

# IN THE UNITED STATES COURT WESTERN DISTRICT OF ARKANSAS

**Curtis J Neeley Jr., MFA**

**V**

**CASE NO. 5:09-cv-05151**

**NAMEMEDIA INC**

**Google Inc (GOOG)**

**Federal Communications Commission (FCC)**

**COMPLAINT FOR US TITLE 15 VIOLATIONS, FRAUD, AND MALICIOUS PUBLIC  
DEFAMATIONS AND ALSO TITLE 17 ABUSES CALLED "FAIR USE" THAT WERE  
FRAUDULENT AND OUTRAGEOUS VIOLATIONS OF TITLE 18 § 1343  
AND PERPETUAL REFUSAL TO REGULATE WIRE COMMUNICATIONS BY THE FCC**

Comes now the Plaintiff, respectfully and states for his complaint described as concisely as the severely brain-damaged, pro se litigant is able in this extremely complicated intellectual properties case including trademarks, Title 17 Infringements and repetitive public defamations and violations of "Due Process" and "Equal Access to the Law". The tortuous actions are so numerous they prohibit concise titling or description. The severely brain injured Plaintiff is outraged by learning of the fraudulent business policies of the Defendants discovered while researching how his pre-teen daughter was exposed to Plaintiff's original photos of the figure nude as an object of art on the Internet. The Courts call this a "new medium" that is apparently exempt from even moderate regulation in an obvious error that violates the intention of the Communications Act of 1934. The particular actions can be described as follows and supported by the existing docket entries and will be further supported by witnesses and slide presentations during trial.

# **I. NAMEMEDIA INC**

## **Defendant NAMEMEDIA INC Initial Title 15 § 1125(d) offense**

1. Defendant NAMEMEDIA INC violated the Plaintiff's previously registered domains <eartheye.com> and <sleepspot.com> that were used in commerce with no purpose other than to sell them when they expired in 2003. This was at a time when the Plaintiff was an incompetent. This Lanham Act violation was repeated yearly and the Supreme Court ruled on May 24, 2010 that when torts continue to occur or one is repeated, the cause of action accrues from the last date of occurrence. This **tolled** the trademark and Title 17 violations of Defendant NAMEMEDIA INC due to the yearly renewals of each domain until the early 2009 offer to the Plaintiff to encourage bidding on the expiring domain. When the Plaintiff was unable to pay the several thousand they sought, the Defendant advertised selling it for \$2,300 and at the same time accrued a \$100,000 statutory liability. The Plaintiff had advised NAMEMEDIA INC that <eartheye.com> was originally his and they ignored the Plaintiff outrageously and chose to sell the domain after having been advised and first involving legal Council of Erik Zilinek who dared the Plaintiff to attempt DNRP action. Ted Olson alleged being contacted by the Plaintiff by telephone on some indeterminate date dishonestly before discussing the domain <eartheye.com> via email on Nov 29, 2007. Defendant NAMEMEDIA contacted the Plaintiff again on Jan 26, 2009 and Feb 13, 2009, and this lawsuit was started July 14, 2009. Defendant NAMEMEDIA INC violated <eartheye.com> and <sleepspot.com> annually when renewing the registrations rather than letting them expire and cease to resolve.

## **Original Artwork Theft in violation of US Title 17**

2. Plaintiff previously was trained in commercial photography and <eartheye.com> was the website used for his art. Plaintiff continued to do art photography as well as commercial photography and created a user profile at <photo.net> and uploaded some art while an incompetent or before recovering guardianship on January 26, 2006. The Plaintiff was never aware of the ownership of <photo.net>. Defendant NAMEMEDIA INC purchased <photo.net> in 2007. Defendant NAMEMEDIA stopped allowing users of the site to delete art and began to claim perpetual licensure to all user content. NAMEMEDIA INC alleged photos could be deleted but the Plaintiff soon discovered that was false and the Plaintiff began posting photos elsewhere. On a forum posting on July 12, 2009, the Plaintiff posted that the new site owners would face him in Court and Mr Neeley wished for them to delete his art. About July 24, 2009 Defendant NAMEMEDIA INC deleted Plaintiff's access to <photo.net> and yet continued preventing deletion of his user art, which was continually demanded.

## **Second US Title 15 § 1125(d) violation**

3. NAMEMEDIA INC offered <sleepspot.com> to the Plaintiff after this litigation had begun for \$2788 as can be seen in Docket 25 Ex #2 2788 and tolled limitations as well as establishing a \$100,000 statutory liability.

## **Destruction of Original <SleepSpot.com> Art**

4. NAMEMEDIA INC used the robots.txt protocol to cause <sleepspot.com> artwork to be destroyed after realizing this suit was planned around July 24, 2009. NAMEMEDIA INC was made aware of Plaintiff desiring this evidence in Docket 12 ¶ #3 addressing the November 16, 2009 filing of Docket 10. NAMEMEDIA INC maliciously opposed Docket 160 only 150 docket filings later after nearly a year.

## **Six NAMEMEDIA INC Malicious US Title 17 Violations or Defamations**

5. Hannah Thiem, the “Digital Millennium Copyrite Agent” (DMCA) of Defendant NAMEMEDIA INC, was notified and ignored the Plaintiff but was relying on the Plaintiff’s disability and paralysis to make mailing notices nearly impossible. The Plaintiff notified Ms Thiem using an IP beacon to confirm delivery as well as using MySpace and Flickr social websites. The Plaintiff also signed up as a new user at <photo.net> and posted comments on the photographs requested deleted where a period was actually an IP beacon. Many of these image displays were then tracked, as evidence will show during the jury TRIAL.

6. The Plaintiff had demanded that the art be removed repeatedly because it was art of the nude figure. The Plaintiff became aware that it was displayed to minors and was very likely to have caused his minor child’s outrageous communication of December 26, 2008. The Plaintiff’s severe traumatic brain injury, which once left him incompetent, is permanent. Curtis J Neeley Jr does not remember a daughter living with him prior to injury. Despite this fact, the Plaintiff loves her and sought diligently to be the best absent parent possible.

7. Curtis J Neeley Jr, MFA, believes that no minor, no atheist, and no practicing Muslim should be exposed to his figure nude art. Shortly after this lawsuit was entered, the Plaintiff realized that Defendant NAMEMEDIA INC and Defendant Google Inc operated the image search on <photo.net> that attributed nude photographs to Plaintiff by name and displayed them to minors or any anonymous visitor while alleging plaintiff’s permission. This lawsuit was served on Defendant NAMEMEDIA INC but the attribution and display of nude art continued after the DMCA agent listed as Hannah Thiem had viewed the notice and she and/or NAMEMEDIA INC chose to ignore it.

1 8. In January 2010, the Plaintiff discovered a new DMCA agent was listed for Defendant  
2 NAMEMEDIA INC. Plaintiff set out to repeat his monitored notification to get the images deleted  
3 expeditiously. Plaintiff researched the DMCA agent by wire and determined that the posted address  
4 was where Robb Rosell operated a website design business. Plaintiff contacted all disclosed clients  
5 of the DMCA and asked that they relay the notice regarding nude art being displayed against  
6 Plaintiff's wishes while allegedly being shown to minors by specific permission. Defendant  
7 NAMEMEDIA INC then finally deleted the pornographic photos and ceased attributing Plaintiff with  
8 "pornographic" art around January 24, 2010 as a result of the second DMCA notice. Plaintiff then  
9 stopped USING <namemedias.com> as a protest site since <photo.net> deleted the images Plaintiff  
10 USED <namemedias.com> to protest.  
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## 15 II. Google Inc

### 16 Defendant Google Inc repetitive US Title 15 § 1125 (d) offenses

17 9. Defendant Google Inc began Lanham Act violations of <eartheye.com> and <sleepspot.com>  
18 at some indeterminate date after the 2003 expiration of each registration. GOOG chose to license  
19 these domains in AdSense for Domains and acquired \$200,000 statutory liability that was also  
20 reacquired annually until <eartheye.com> was sold and until repetitive notifications that  
21 <sleepspot.com> was involved in TM litigation after the service of this action caused Google Inc  
22 Adsense for Domain to stop unmasked USE and reverting to stealth profiting they currently still do.  
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24 See Ex. Stealth-Profiting marked on page 3.  
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1 **Detrimental reliance on Google Inc AdWords sales to fraudulent domains**

2 10. Defendant Google Inc sold advertisement to the Plaintiff in AdWords on domains it licensed  
3 exclusively for Google Inc AdSense for Domains and did not disclose the ads were run on deceptive  
4 domains they were exclusively using for ads. This was a scheme to defraud and caused detrimental  
5 reliance. “AdSense for Domains” is a fraudulent business policy and Google Inc uses “AdSense for  
6 Domains” for scores of millions of dollars unjust enrichment each year.  
7

8 **Google Inc Defamation while claiming authorization during litigation**

9 11. Defendant Google Inc attributed Plaintiff’s ‘figure nude’ images *correctly* with no concern for  
10 US Title 17 violations or defamation continually on <google.com> and on <photo.net> until  
11 Defendant NAMEMEDIA INC deleted the ‘figure nude’ images after the second DMCA agent, Robb  
12 Rossel, caused deletion on or after January 24, 2010 but not until then.  
13

14 12. Defendant Google Inc attributes the Plaintiff to pornographic art by image searches of his  
15 personal name from various websites where the Plaintiff had disclosed his art creation by choice and  
16 from images Plaintiff never had on his website as described more fully later. Google Inc allowed and  
17 now allows anonymous viewership of anything to support profits.  
18

19 **Eric Schmidt CNBC Rejection of Privacy and US Title 17**

20 13. Eric Schmidt states in an interview with CNBC that if a person has anything they do not want  
21 anyone to know about, they had best not do it. Eric Schmidt is the Earth’s wealthiest human in  
22 history due to inventing a way to disguise pornography as free speech.  
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1 14. Mr Schmidt is the CEO of Defendant Google Inc and the Plaintiff would like to hear  
2 Mr Schmidt explain how what he calls “free speech” protects Google Inc pornography distribution  
3 and describe why Google Inc is a bit player in China where porn is not allowed, Plaintiff wishes  
4 Mr Schmidt to explain to the jury how his company’s profits would be affected if indecency was  
5 prevented on wire communications in the United States as the law already requires and how much his  
6 company donates to politicians and judges to ensure the Internet is exempt from FCC regulation. The  
7 Plaintiff would also like to hear Mr Schmidt explain for the jury how Google Inc justifies returning  
8 nude images when “Curtis Neeley” is entered in image searches when competitors like Lycos Inc,  
9 Yahoo Inc, and Microsoft Corporation and IAC/InterActiveCorp have all chosen not to since this  
10 litigation began except for Lycos Inc from a country with moral copyrights..  
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12  
13 15. The Plaintiff will show the jury how Yahoo Inc, Microsoft Corporation, and  
14 IAC/InterActiveCorp have almost ceased returning nudes for image searches of the Plaintiff’s  
15 personal name during this litigation when made aware it disturbed the Plaintiff and asks how Google  
16 Inc could dare to say that ceasing to return nudes for searches for “Curtis Neeley” would require  
17 shutting down Google.com. See Docket 73 Ex #2 Yahoo, #4Bing and perform wire searches now  
18 and compare.  
19

### 20 **Google Inc re-publication of nude art scanned from a library**

21 16. After this lawsuit was filed and after Google Inc had filed an answer claiming the affirmative  
22 defense of failure of the Plaintiff to mitigate damages on March 2010, Google Inc continued to  
23 expand their defamatory actions after Plaintiff’s request to Amend on March 17<sup>th</sup>, 2010 where in  
24 Docket #111 # 1 Exhibit (Third Amended Complaint) in the Conclusion/Prayer section ¶ #2 on p. 18  
25 the Plaintiff stated as follows.  
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1       *“Plaintiff is an overlooked, outraged artist not part of the class in New York because his original photographic*  
2       *art is published in a book that was already seen at <Books.Google.com> and has a registered copyright from*  
3       *2006 titled “The Renascentl Vol. 3 Photography”.*

4       Plaintiff prepared an exhibit but forgot to include it. The omitted exhibit reveals only that, “No  
5       preview is available”, and had the wrong author listed. It revealed the distress of the Plaintiff as  
6       follows.

7               *Is this book scanned by Google already? My nude photography is in this book and I already sued Gogle*  
8               *for violating my copyrights and common law TMs. They say that if it is already copyrighted they will*  
9               *pay \$60 for violating the copyrights? I want 60 billion instead.*

10       17. The posted review above was deleted when Google decided to expand their defamation and  
11       this action causes outrage as well as demonstrating intentionally increasing their exposure and  
12       thereby showing disrespect for Court. Plaintiff has often shown poor attitudes since this action  
13       started but defaming an artists again while facing him in Federal Court for defamation is an  
14       admission of not considering this US Court Action sincerely enough to mitigate the damages created  
15       and the opposing Counsel actually commented on the posted comment demonstrating being aware of  
16       this posting in the record.

17       *See Docket 135 Ex. 1 Google-Oops < curtisneeley.com/NameMedia/Google-Oops.pdf >*  
18       *See Docket 135 Ex. 2 Google-Oops2 < curtisneeley.com/NameMedia/Google-Oops2.pdf >*

19       18. Defendant Google Inc uses their “Curtis Neeley” broadcast using the Plaintiff’s personal  
20       name, which is shared by his father, and results in repetitive “attributions” to pornographic images in  
21       a manner that is outrageous defamation. Neither the Plaintiff, nor his father, condones broadcasting  
22       pornography to an anonymous viewer who refuses to take responsibility for the viewership of  
23       pornography. Neither would allow their children or grandchildren to view nudity presented by  
24       Google Inc using the personal name only.



## **The Google Inc 2010 defamation during litigation**

19. Google Inc Books after March 7, 2010 and attributed Plaintiff correctly to three original 'figure nude' art photographs shown to anonymous users including minors, atheists, and Muslims as is offensive and shames the Plaintiff and violates rights to privacy. The Plaintiff granted Joseph Morse permission electronically to place his photos in a book, which Mr Morse then did. Courts have ruled that publication of a book online requires a new authorization and the Google Inc fair-use argument has already been rejected by NYSD Courts.

## **Continual Google Inc untruthful attribution and defamation**

20. Google Inc caused Michael Peven's erect penis photograph created by Mr Peven in 1979 to appear in a "strictly safe" image search for Mr Neeley's personal name. This continued after Google Inc outrageously claimed failure to mitigate damages by the Plaintiff as an affirmative defense. The erect penis photo has NEVER been on <curtisneeley.com> and the claim that it was shown there is both malicious, slanderous, and defamation that continued after numerous direct requests to Counsel and DEMANDS that this libelous fraud cease. The German Supreme Court recently allowed Google Inc to display thumbnails due to an implied permission and voluntary use of the robots exclusion protocol to control indexing. In the United States, this claim is a felony wire fraud prohibited by US Title 18 § 1343.

21. This German ruling will not protect Google Inc in this litigation because the penis photo was never on <curtisneeley.com> or anywhere else posted by the Plaintiff as continually claimed. Outrage is an unpopular tort and Michael Peven's erect penis photo resulting in image searches for "Curtis Neeley" using even the "strict safe" settings are slanderous and defamatory in addition to being outrageous.

22 Michael Peven's erect penis photo result has been displayed very often, as evidence will  
show. The pornographic erect penis photo caused the public docket of (10-2255) to be locked from  
the public as well as instigating admonishment of the Plaintiff by the Court. Michael Peven's erect  
1979 penis photo was attributed to <curtisneeley.com> and is falsely attributed by "Curtis Neeley"  
searches continually and adds to defamation and outrage especially since the page causing the erect  
Michael Peven penis photo has always expressed detesting the photo and never included it as will be  
presented in evidence. There is an specific condemnation of the erect penis photo as well as  
condemnation of Michael Peven and does not in any stretch of semantics imply permission to display  
Michael Peven's penis thumbnails or full size images.

### **III. Federal Communications Commission**

#### **Federal Communications Commission Nonfeasance**

The Federal Communications Commission (FCC) regulated wire communications when they were  
the only way to deliver communications across the ocean. When wire communications as described  
in the Communications Act of 1934 evolved to be a worldwide apparatus connected to either end of  
the wire the FCC abandoned regulation of content by wire. The FCC reports not regulating wire as is  
obvious by looking at the record and comparing this to CBS v FCC, (06-3575) and attempting to  
understand how the nude images of the Plaintiff are transmitted by wire and how searching for  
Teri Weigel by wire results in transmissions by wire of explicit pornography if you are a child you  
must lie and be unsupervised or only search for "Curtis Neeley" at <google.com>

See <bing.com/images/search?q=teri+weigel>

See <video.search.yahoo.com/search/video?p=teri+weigel>

See <google.com/search?q=teri weigel&hl=en&tab=wv>

See <google.com/images?hl=en&q=curtis+neeley>

## **Prayer for punitive, compensatory, and for injunctive relief**

23. Whereas the Plaintiff has faced a tortuous swarm of activity, Plaintiff asks for Court ordered relief as follows to mitigate damages due to distress and to compensate for the distress as well as establishing preliminary injunctions to prevent the actions from recurring or continuing. In the interest of punishing the Defendants who all acted maliciously or recklessly when causing the damages, Plaintiff asks a Jury to establish a truly punitive award that could amount to hundreds of billions.

24. The Plaintiff seeks creation of a nonprofit Search Engine Alternative that does not violate US Title 17 after revised to acknowledge the Rights to Attribution and uses its income to offset taxes and is controlled by an elected board with board members representing the States based on population. Plaintiff asks that the jury assist in establishing a just compensation beyond his traumatic brain injured mind's abilities to imagine since a JURY award is not subject to being set aside or reduced for violating Due Process, as will be claimed.

25. Defendant NAMEMEDIA INC who instigated this action and who acted very maliciously should face no less than 200,000 in statutory Lanham Act awards and no less than a fifteen million dollar punitive award per domain violated. For the defamations by image attribution they instigated NAMEMEDIA INC should face a punitive award of not less than 150 million dollars and award of sleepspot.com as well as 1,000,000 for the malicious destruction of the sleepspot.com artwork and rights to the domain <photo.net> that was initially used to defame the Plaintiff.

1 26. Defendant Google Inc should face an enormous punitive award for a business policy of  
2 selling display of advertisements on “parked” or fraudulent sites licensed exclusively for Google  
3 AdSense for Domain. Compensatory awards for the damages would be insignificant for this Plaintiff  
4 alone but should be punitive as determined by a jury based on ill-gotten gains.

5  
6 27. Defendant Google has a business policy of violating the fundamental exclusive right to  
7 attribution and do this to profitably traffic in pornography by search engine broadcasts since the FCC  
8 is nonfeasant and allow this where other countries do not. Google Inc should face an injunction to  
9 return no nudes for any image search containing the name of the Plaintiff plus no less than 10 billion  
10 dollars for a punitive award considering their maliciously expanding defamations during this lawsuit.

11  
12 28. <Google.com> should be ordered to not return results not allowed returned by <lycos.com>  
13 for all uses of the Plaintiff’s personal name as a preemptive injunctive order made unquestionably  
14 necessary during this litigation and maturing to become permanent.

15 29. Punitive damages should be set by a JURY in light of profits due to this policy while  
16 recognizing that each Defendant will claim the award violates Due Process.

17 **Half of the award will be paid in taxes.** This will result in the Seventh Amendment finally applying  
18 to the States and the unnamed class is every US taxpayer parent or person opposed to porn trafficking  
19 and indirectly every person on planet Earth where wire communication disguised as the Internet now  
20 exist unregulated.

21  
22 30. Google Inc should be subject to punitive damages of three billion or an amount the JURY  
23 deems adequate for Google Inc digitally re-publishing Plaintiff’s original nude photographs from  
24 “*Renascence Vol 3 | Photography*” after this action had started and acknowledging Plaintiffs distress  
25 but maliciously ignoring it.  
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## **FCC Injunctive Relief**

The Plaintiff prays that Federal Communications Commission be ordered to regulate wire communications as defined exactly in the law but not regulated in an ultimate act of hypocrisy. The FCC should be ordered to require that all computers attached to one end of the wire be regulated and that the wire division of the FCC create a search engine and require mandatory self-rating of computers attached to the wires called the Internet and establish fines for wire communications of indecency. A period of 180 days would be allowed to pass before policing of wire Communications would be allowed where connecting a file with a disclosed URL wherein a search engine might index it is considered a communications by wire. Search engines indexing copies of indecent locations would be treated as transmitters of indecency as if the search engine had originally communicated it due to gathering the indecency and then choosing to republish it for profit. The FCC should be ordered to cease all uses of the term “the Internet” except as the term for the early and unregulated wire communications venue for pornography that broadcast pornography under the ruse of free speech. The FCC should regulate browser distribution where all browsers must be FCC “approved” and browsers must have a plug-in where the FCC robot exclusion protocol prevents display of any wire location not rated or rated above the computer purchaser’s settings. A website directory rated “R” would therefore never be displayed on a computer set to only view “G” websites. Robot Exclusion Protocol would be used to rate directories of the computer attached to one end of the wire and REP would be established and made mandatory by the FCC wire division. The FCC would handle fining for wire communications when not rated or rated inconsistent with current FCC standards. Extra-national violations of the established REP would require that no search engine list the violator or acquire the same liability the extra-national violator would have had. The FCC should apologize to parents for not regulating wire communications and pay Mr Neeley for helping the FCC stop the wire communications of pornography and indecency and establishing the non-profit FCC search engine where profits fund the wire division of the FCC and otherwise fund Social Security and Medicaid or otherwise offset taxes..

## **Title 18 Rational for the PRAYER to a JURY**

31. Only a JURY trial has the solid constitutional footing to require enforcement of laws and punish criminal wire-fraud violations as have been done to Curtis J Neeley Jr., MFA in this EXTREMELY complicated but closely related swarm of torts. Application of the Rule of Law is either logical or incorrect as should now be obvious. No company; Regardless of how profitable, has the right to run roughshod over any citizen's rights. EXXON suffered the largest punitive award in history and they were still the most profitable company on Earth in 2009. The Valdez oil tanker was an accident and this action was intentional and was criminal use of serial felony wire communications described in Title 18 § 1343 and the Plaintiff seeks a punitive damages award that will be the largest in history halting Google Inc from profiting on wire communications until they can do it without pornography and without violating any citizens rights. The taxes paid on this award are a commission that will be paid to every taxpayer and should affect the US budget.

Respectfully Submitted by Hand,

Curtis J Neeley Jr., MFA